

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, September 21, 2009 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, R. Hall, P. Kochenburger, P. Plante, B. Ryan
Members absent: J. Goodwin, K. Holt, B. Pociask
Alternates present: M. Beal, G. Lewis, L. Lombard (7:05 p.m.)
Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:02 p.m. All alternates were appointed to act in members' absence.

Minutes:

9/8/09-Beal MOVED, Lewis seconded, to approve the 9/8/09 minutes as written. MOTION PASSED with all in favor except Gardner and Hall who disqualified themselves. Plante noted that he listened to the tapes.

9/15/09 Field Trip- Gardner MOVED, Ryan seconded, to approve the 9/15/09 minutes as written. MOTION PASSED with Ryan, Gardner, Beal and Favretti in favor and all others disqualified.

Zoning Agent's Report:

Noted.

Old Business:

1. **Application to Amend the Zoning Map and Special Permit Application for a Proposed 35 Unit Multi-Family Development, Whispering Glen, LLC, 73 Meadowbrook Lane,**

2. **PZC File #1283**

Kochenburger MOVED, Plante seconded, to approve, the application of Whispering Glen LLC, (File #1283) to rezone 10.12 acres of land, owned by Lakeway Farms L.P. from R-20 to DMR, as shown on plans dated 10/15/08 as revised to 6/30/09 and located at 73 Meadowbrook Lane, and as heard at Public Hearings on 5/4/09, 6/1/09, 7/6/09, and 8/3/09.

This zone change shall become effective on the date an associated Whispering Glen Special Permit application is filed on the Land Records. Approval is granted for the following reasons:

1. The subject re-zoning is consistent with mapping and text specified goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. The subject site and abutting properties to the east, north and west are classified as medium to high density residential in Mansfield's Plan. The proposed re-zoning also is considered consistent with mapping and text recommendations contained in the 2002 Windham Region Land use Plan and the 2005-2010 Conservation and Development Policies Plan for Connecticut.
2. The subject site is proximate to existing multi-family housing and commercial uses and will be served by public sewer and water systems. Adjacent land is already zoned DMR and this re-zoning essentially extends the existing zone.

3. The site is physically capable of supporting multi-family residential development. An associated special permit application suitably addresses potential environmental, traffic and neighborhood impacts associated with a specific development plan.
 4. The proposed re-zoning is considered to be consistent with approval considerations contained in Articles I and XIII of Mansfield's Zoning Regulations and Section 8-2 of the State Statutes.
- MOTION PASSED UNANIMOUSLY.

PZC File #1284

Kochenburger MOVED, Plante seconded, to approve with conditions, the Special Permit application of Whispering Glen LLC, (File #1284) for a multi-family housing development on property located at 73 Meadowbrook Lane, in a new DMR zone, as submitted to the Commission and as shown on plans dated 10/15/08 as revised to 6/30/09 and as described in other application submission and as presented at Public Hearings on 5/4/09, 6/1/09, 7/6/09, and 8/3/09.

This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B, Article X, Section A.6, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is specifically tied to the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed uses and site improvements shall be limited to those authorized by this approval. Any questions regarding authorized uses, required site improvements, and conditions cited in this approval, shall be reviewed with the Zoning Agent and Director of Planning and, as appropriate, the PZC.
2. No Zoning Permits shall be issued and no construction shall commence, until final plans have been approved by the Windham Water Works (water supply), Windham Engineering Department (sewer), Mansfield Public Works Department (encroachment, driveway, drainage permits) and all permits required by the Connecticut Department of Environmental Protection.
3. Based on application submissions, this approved multi-family housing development will have a unit ownership format and accordingly, all construction, conveyance and ownership of dwelling units and associated site improvements shall be in conformance with the provisions of Chapters 825 and 826 of the State Statutes and the Common Interest Ownership Act for Connecticut, as amended through Public Act 09-225. Unless an alternative approval and filing schedule is approved by the Commission, this Special Permit approval shall not be filed on the Land Records and no construction shall commence, until appropriate legal documents are submitted to and approved by the Town Attorney, Director of Planning and PZC Chairman. Required documents shall address the following requirements:
 - That all unit owners are required to be members of a homeowners association and share in the cost of meeting all association obligations.
 - That all roadways, walkways, drainage systems, sanitary sewer and water systems, utilities, landscaping and any other infrastructure and common area elements shall be constructed and maintained under established best management practices by the developer and/or homeowners association. Particular attention needs to be given to short term and long term maintenance requirements for the drainage system, including the detention basin and other drainage structures and the rain garden.
 - That appropriate provisions have been made for association governance.

- That appropriate provisions have been made to ensure adequate funding of all association obligations.
4. Based on the provisions of Article X, Section A.4.d and Article X, Section R and other provisions of Mansfield's Zoning Regulations, this approval accepts the applicants building layout with respect to setbacks from front and side property lines. The proposed setbacks with associated landscaping enhance the overall design of the project and do not detrimentally affect abutting properties.
 5. Based on the provisions of Article X, Section A.6.f, this approval accepts the applicant's proposed minimum separation between buildings of twenty (20) feet for all proposed buildings except for the building containing units 21 and 22. Building 22/23, which encroaches into the proposed recreation/community area and the private patio areas of units 19 & 21, detracts from the overall project design and accordingly, a required separation variation is not authorized. The currently configured building 22/23 shall be eliminated. One or both of these units may be added to other buildings as long as a twenty (20) foot separation distance is met and other site improvements are not significantly altered. Any such revision shall be reviewed and approved by the PZC Chairman, with staff assistance.
 6. This approval is conditioned upon compliance with the affordable housing provisions of Article X, Section A.6.k. Prior to the issuance of any Zoning Permits for buildings containing an affordable unit, more specific provisions that implement the applicant's July 2009 draft "Affordable Housing Strategy" shall be submitted to and approved by the PZC Chairman, with staff assistance.
 7. Prior to the issuance of any Zoning Permit, a cash site development bond in the amount of \$5,000, and with associated bond agreement, shall be submitted to and approved by the PZC Chairman with staff assistance. This bond will help address any drainage and erosion and sedimentation problems that are not appropriately addressed by the developer.
 8. This approval authorizes work to proceed in three (3) phases. Within each phase all site improvements for the subject phase shall be completed and/or bonded, in accordance with zoning provisions, before any Certificate of Compliance is issued.
 9. Prior to the issuance of any Certificate of Compliance, a stormwater and landscape best management program shall be submitted by the developer to address the use of fertilizers, pesticides and other chemicals that may be associated with the maintenance of landscape areas and the use of sand, salts and chemicals that may be associated with the maintenance of roadways and walkways. The program shall also incorporate the Best Management Practices identified in the notes on Sheet 4 of the approved plans. The management program shall be approved by the PZC Chairman, with staff assistance.
 10. Prior to the issuance of any Certificate of Compliance, a right of way dedication along Meadowbrook Lane and a conservation easement shall be submitted by the developer, approved by the PZC Chairman with staff assistance and filed on the Land Records. The easement shall utilize the Town's model format with exceptions for trail/recreational improvements and sewer lines that pass through the easement area.
 11. All excess material removed from the site shall be deposited in appropriate locations that comply with municipal zoning and inland wetland requirements.

12. A soil scientist or other professional deemed qualified by the PZC Chairman with staff assistance, shall oversee the wet basin and rain garden plantings.
13. During periods of construction, the applicant shall submit to the Zoning Agent bi-weekly erosion and sediment control monitoring reports until disturbed areas are stabilized.
14. Finals plans shall incorporate the following additional revisions:
- A. Two sewer line revisions cited in the 7/28/09 report from the Assistant Town Engineer.
 - B. Incorporation of map notes on the landscaping plan that clearly indicates:
 - 1. That no plantings shall be placed within 5 feet of fire hydrants (see 7/29/09 report from Deputy Chief/Fire Marshal)
 - 2. That no plants on the State's Invasive Species list shall be used.
 - C. Relocation/Re-design of handicap parking spaces and signage (see 7/30/09 report from Director of Planning)
 - D. Correction of Sheet 9 detail for 4 foot wide walkway, Sheet 1 Chart of Zoning Requirements and update of cut/fill chart on Sheet 4 (see 7/30/09 report from Director of Planning)
 - E. Grading, drainage and unit floor elevation revisions to address issues raised in a 7/30/09 report from Director of Planning and an undated report from J. Lenard of the Design Review Panel.
 - F. Information presented in narrative form regarding the color and nature of building materials shall be added to the architectural elevation plans.
 - G. Building location revisions to establish a minimum separation distance of 20 feet between all buildings (see 7/30/09 report from Director of Planning).
 - H. Revision to landscape plan to eliminate species that have been identified as inappropriate for this site (see species list emailed to project engineer), and to eliminate on sheet 3 reference to a "mini-sledding area".
 - I. Addition of approval blocks to the Landscape and Architectural plans with appropriate reference to Mansfield Inland Wetlands Agency on all sheets involving work in the IWA's jurisdiction.
 - J. Incorporation of minor revisions and more details to address sanitary laterals, utility installation, particularly in areas with numerous underground utilities, and drainage systems.
15. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.
- MOTION PASSED UNANIMOUSLY.

3. **Site Modification Request: Proposed Weddings/Temporary outing liquor permits at The Gardens At Bassetts Bridge Farm, 552 Bassetts Bridge Rd. PZC File #1217**

Mr. and Mrs. Bell gave a summary of their proposal. Members asked specific questions regarding how many events they propose to accommodate, how close their nearest neighbor is, will there be a limit on the number of guests, live music, security, length of events, advertising and additional signage. Mrs. Bell responded that they would not have more than 1 wedding per weekend during the months of May to October; their nearest neighbor is approximately 1,800 feet away; there will be no more than 100 guests; there would be live music; the events would be a maximum of 5 hours in length not to exceed 11 pm; and there would be no additional signage but they would advertise. Some members suggested that if a special permit or special event permit were necessary that it be a "seasonal" permit instead of renewal for every event and it could be revisited if any problems were brought to the attention of staff. Beal noted that he felt the road is wide enough and has good sight lines to accommodate the once a week traffic that this application could generate. Item was tabled until the next meeting.

4. **Potential Re-Zoning of the “Industrial Park” zone on Pleasant Valley Rd and Mansfield Ave.**
Item tabled-awaiting draft from staff.
5. **Special Permit Application, Proposed Conversion from one to two family, 1620 Storrs Road, Y. Ghiaei o/a, File #1276-2**
Item tabled-Public Hearing continued until 10/5/09.

New Business

1. **New Special Permit Application, Proposed Retail Package Store, 153 N. Eagleville Rd, Pesaro's LLC, o/a. File #585-3**
Kochenburger MOVED, Lombard seconded, to receive the Special Permit application, (File #585-3) submitted by Pesaro's LLC, for a retail package store, on property located at 153 North Eagleville Road, owned by the applicant, as shown on plans dated 9-16-09, and as described in other application submissions, and to refer said application to the staff, for review and comments, and to set a public hearing for October 19, 2009. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees: No items reported.

Communications and Bills: Noted.

Adjournment: Favretti declared the meeting adjourned at 7:39 p.m.

Respectfully submitted,

Bonnie Ryan, Acting Secretary